

REMARKS

Applicants thank Examiners Bradford and Sykes for conducting a personal interview on May 6, 2004. During the interview, agreement was reached that the pending claims are patentable over U.S. Patent No. 5,938,688 issued to Schiff ("Schiff"). The Interview Summary provided by Examiner Bradford is enclosed.

Claims 124-167 are presently pending in this application. Claims 124 and 143 have been amended in exact accordance with the agreement reached in the personal interview on May 6, 2004.

A. Response to Section 102 Rejection—Schiff

Claims 124-126, 131, 132, 136-145, 150, 151 and 155-164 were rejected under Section 102 over Schiff. Claim 124, at line 5, has been amended to replace "comprising a region of" with "at." The phrase "selecting a stimulation site at a cortex" in claim 124 is not limited to implanting an electrode directly "on" the cortex, but rather it also includes selecting a stimulation site adjacent to the pia mater and/or the dura surrounding the cortex. Claim 143, at line 6, has been amended to insert "the cortex at" before "the stimulation site." The phrase "directly to the cortex" in claim 143 is not limited to placing the electrode "on" the cortex, but rather it means the stimulation (i.e., the electrical field) is applied to the cortex. As such, the electrode can be placed on the cortex, in the cortex, on dura and/or on the pia mater around the cortex.

The amendments to claims 124 and 143 correspond exactly to the language agreed upon in the personal interview on May 6, 2004, and therefore claims 124 and 143 are patentable over Schiff. Additionally, claims 125-142 and 144-164 are patentable over Schiff because they depend from either claim 124 or 143.

B. Response to Section 103 Rejection—Schiff

Claims 133-135 and 152-154 were rejected under Section 103 over Schiff. These claims depend from either claim 124 or 143, and thus these claims are patentable over Schiff for the reasons discussed in the personal interview on May 6, 2004.

Attorney Docket No. 337348020US1

C. Conclusion

In view of the foregoing, the pending claims comply with 35 U.S.C. § 112 and patentably define over the applied art. Applicants accordingly request reconsideration of the application and a Notice of Allowance. If the Examiner has any questions or believes a telephone conference would expedite prosecution of this application, the Examiner is encouraged to call at (206) 359-3258.

Respectfully submitted,
Perkins Coie LLP

Date: May 10, 2004

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Interview Summary	Application No.		Applicant(s)	
	09/802,808		FIRLIK ET AL.	
	Examiner		Art Unit	
	Roderick Bradford		3762	

All participants (applicant, applicant's representative, PTO personnel):

(1) Roderick Bradford. (3) Angela Sykes.

(2) Paul Parker. (4) _____

Date of Interview: 06 May 2004.

Type: a) ☐ Telephonic b) ☐ Video Conference
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.
If Yes, brief description: _____

Claim(s) discussed: 124 and 143.

Identification of prior art discussed: U.S. Patent No. 5,938,688.

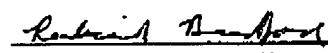
Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Discussed proposed amendments to claims 124 and 143. With respect to claim 124 replacing "comprising the region of" line 5 with "at". With respect to claim 143 inserting "cortex at the" before "stimulation" line 7.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.


Examiner's signature, if required